

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Magdalena Azmitia	Team: Squad #15	CCRB Case #: 201708197	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Wednesday, 09/27/2017 5:55 PM	Location of Incident: East 35th Street and Farragut Road	Precinct: 67	18 Mo. SOL 3/27/2019	EO SOL 3/27/2019	
Date/Time CV Reported Fri, 09/29/2017 2:40 PM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Thu, 10/05/2017 12:14 PM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Christian Villacis	05464	949772	067 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Joseph Calabrese	10163	954588	GVSD Z1
2. POM Joseph Bautista	113	954534	067 PCT
3. POM Joseph Blum	20360	957389	067 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Christian Villacis	Force: Police Officer Christian Villacis pointed his gun at § 87(2)(b)	
B.POM Christian Villacis	Force: Police Officer Christian Villacis pointed his gun at § 87(2)(b)	
C.POM Christian Villacis	Abuse: Police Officer Christian Villacis threatened § 87(2)(b) with the use of force.	
D.POM Christian Villacis	Abuse: Police Officer Christian Villacis threatened § 87(2)(b) with the use of force.	

Case Summary

On September 29, 2017, § 87(2)(b) filed this complaint on behalf of her son § 87(2)(b) over the telephone with IAB, generating log #17-37778. On October 11, 2017, in his unverified telephone statement, § 87(2)(b) made an allegation on behalf of his friend § 87(2)(b).

On September 27, 2017, at approximately 5:55 P.M., PO Christian Villacis of the 67th Precinct allegedly pointed his weapon at § 87(2)(b) and § 87(2)(b) at East 35th Street and Farragut Road in Brooklyn (**Allegation A: Force**, § 87(2)(g)). While in pursuit of § 87(2)(b) and § 87(2)(b) PO Villacis allegedly shouted, “I’m going to shoot you if you don’t stop running” (**Allegation B: Abuse of Authority**, § 87(2)(g)).

Video footage for this incident was not recovered.

Findings and Recommendations

Allegation (A) Force: Police Officer Christian Villacis pointed his gun at § 87(2)(b)

Allegation (B) Force: Police Officer Christian Villacis pointed his gun at § 87(2)(b)

Allegation (C) Abuse of Authority: Police Officer Christian Villacis threatened § 87(2)(b) with the use of force.

Allegation (D) Abuse of Authority: Police Officer Christian Villacis threatened § 87(2)(b) with the use of force.

In his testimony to the CCRB, § 87(2)(b) stated that he was walking with his friends § 87(2)(b) and § 87(2)(b) and that § 87(2)(b) was hit from behind by a cyclist as he was crossing Farragut Road [BR 03]. After a brief exchange with the cyclist, § 87(2)(b) and his friends continued walking. Shortly thereafter, two plainclothes officers, identified by the investigation as PO Villacis and his partner PO Joseph Calabrese, approached them in their unmarked vehicle. § 87(2)(b) described PO Villacis as a Hispanic male in his 30s, 5’3” tall with his hair shaved on sides and long in the middle. PO Villacis got out of the front passenger’s side of the car with his gun pointed at § 87(2)(b) and § 87(2)(b) and said “Don’t move.” § 87(2)(b) was frightened by the gun and began running back towards Brooklyn Road. § 87(2)(b) began to run in the same direction, and PO Villacis pursued them on foot, shouting, “I’m going to shoot you if you don’t stop running.” PO Calabrese pursued § 87(2)(b) and § 87(2)(b) in his vehicle. PO Villacis pursued § 87(2)(b) and § 87(2)(b) until they were near 721 East 35th Street, both § 87(2)(b) and § 87(2)(b) stopped running. PO Villacis told them both to get on the ground, at which point they complied and were placed in handcuffs without incident. § 87(2)(b)’s testimony was consistent with his telephone statement to the CCRB [BR 02].

§ 87(2)(b)’s unverified telephone statement was consistent with § 87(2)(b)’s testimony with the following exceptions [BR 06]. After a brief and amicable exchange with the cyclist, four officers arrived on the scene in an unmarked car and spoke to the cyclist. § 87(2)(b) described PO Villacis as a Hispanic male in his late 20s to early 30s, 5’6” tall with average build and black hair that was slicked back. PO Villacis then exited the vehicle and drew his gun. PO Villacis began running after § 87(2)(b) and his friends when they ran away, although § 87(2)(b) did not hear if PO Villacis said anything and did not recall if PO Villacis said that he was going to shoot. Halfway between Farragut Road and Brooklyn Road, § 87(2)(b) and § 87(2)(b) got onto the ground voluntarily and two other officers, identified by the investigation as PO Joseph Bautista and PO Joseph Blum, were already there. § 87(2)(b) and § 87(2)(b) were then arrested and charged with attempted robbery. Several attempts were made to obtain a sworn statement from § 87(2)(b) who remained uncooperative with the investigation [BR 17].

§ 87(2)(b)’s unverified telephone statement was consistent with § 87(2)(b) and § 87(2)(b)’s testimony with the following exceptions [BR 07]. After he had been hit by the cyclist, two officers

arrived on the scene in a car and began following him, § 87(2)(b) and § 87(2)(b) [BR 07]. § 87(2)(b) described PO Villacis as a Hispanic male in his 30s, 5'6" tall with a stocky build and short black hair that was slicked back. PO Villacis had his gun out and pointed only at § 87(2)(b) stating that he was going to shoot. § 87(2)(b) followed them on the opposite side of the street, where he took photos as § 87(2)(b) and § 87(2)(b) were arrested. Several attempts were made to obtain a sworn statement from § 87(2)(b) who remained uncooperative with the investigation [BR 19].

In his unverified telephone statement to the CCRB, § 87(2)(b) who is friends with § 87(2)(b) stated that he had been in the courtyard near 1402 Brooklyn Road when he saw § 87(2)(b) and § 87(2)(b) running back in the direction of the courtyard [BR 05]. Approximately four officers were chasing § 87(2)(b) and § 87(2)(b) and one of the officers had his gun out. § 87(2)(b) described the officer as a Hispanic male in his, 5'6" tall with an average build and short straight black hair. The gun was aimed downwards, either at § 87(2)(b)'s legs or at the ground. As soon as § 87(2)(b) saw them running, he ran towards § 87(2)(b) and began recording the incident. He heard an officer tell § 87(2)(b) "Get back or I'll shoot you." § 87(2)(b) stopped shortly thereafter and got onto the ground, at which point he was handcuffed. Several attempts were made to obtain a sworn statement from § 87(2)(b) who remained uncooperative with the investigation [BR 18]. The investigator asked § 87(2)(b) to e-mail his video footage of the incident several times, to which § 87(2)(b) agreed but ultimately did not comply.

In his testimony to the CCRB, PO Villacis stated that he and PO Calabrese were patrolling the area and were aware that there had been a number of robberies in the Flatbush Gardens area, as well as shooting incidents [BR 11]. They were approximately a half block away when they first observed three males, identified as § 87(2)(b) and § 87(2)(b) surrounding an older male in his 50s on a bicycle. Two of the males were holding the bicycle by the handlebars. As they approached, they saw that the third male had his hand by the cyclist's right front pants pocket. PO Villacis and PO Calabrese approached them and identified themselves as police officers. PO Villacis asked what was going on, and the three males said "Nothing." All three began walking quickly down East 35th Street. PO Villacis asked the cyclist what had happened, and the cyclist said that the males had been holding the bicycle while one went through his pockets. § 87(2)(b) and § 87(2)(b) had already reached the corner across Farragut Road, and PO Villacis and PO Calabrese approached wearing their vests and with their shields out. PO Villacis got out of the vehicle and yelled "Police, stop," and § 87(2)(b) and § 87(2)(b) began running southbound on East 35th Street, after which he pursued them on foot for approximately half a block before they began running northbound. PO Calabrese reversed the vehicle back up to Farragut Road, but later left the vehicle on the corner and pursued § 87(2)(b) and § 87(2)(b) on foot. PO Villacis stopped pursuing once he saw that § 87(2)(b) and § 87(2)(b) had been placed in handcuffs. PO Villacis did not draw his weapon or point it at either § 87(2)(b) or § 87(2)(b). He did not yell "Stop running or I'll shoot," or threaten either individual with any use of force. After § 87(2)(b) and § 87(2)(b) were arrested, PO Villacis and PO Calabrese attempted to locate the cyclist in order to obtain his information, but found that he had left the scene. PO Villacis and PO Calabrese canvassed the area for the cyclist but were unable to find him.

§ 87(2)(g)
§ 87(2)(b) PO Calabrese saw § 87(2)(b) going through the cyclist's pockets while § 87(2)(b) was holding the handlebars with the tire between his legs. When PO Calabrese drove directly next to them, § 87(2)(b) and § 87(2)(b) began walking quickly southbound. The cyclist informed the officers that the males had stopped him and tried to say that he hit them with his bicycle. They demanded money from him and started going through his pockets, stating, "Give me your money." PO Calabrese drove up alongside § 87(2)(b) and § 87(2)(b) where they were walking quickly. PO Villacis and PO Calabrese exited the vehicle and said, "Police, stop." § 87(2)(b) and § 87(2)(b) began running. He

and PO Villacis continued to give chase, with PO Villacis continuing on foot while PO Calabrese got back into the vehicle and followed, losing sight of PO Villacis for several minutes. In the street approximately twenty feet away from the entrance to the Vanderveer apartments, § 87(2)(b) surrendered. PO Calabrese had told him to stop running and not move at least ten times. He did not see PO Villacis draw or point his weapon at anyone throughout the course of the incident, nor did he hear PO Villacis threaten § 87(2)(b) or § 87(2)(b) with any use of force. He and PO Villacis canvassed for the cyclist for approximately one hour.

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

In his testimony to the CCRB, PO Bautista stated that he and PO Blum were sitting in their vehicle at the southwest corner of East 35th Street and Brooklyn Road, which is a gang-prone location [BR 13]. PO Bautista noticed several people running in the direction of their vehicle and in his rearview mirror saw PO Calabrese and PO Villacis pursuing § 87(2)(b) and § 87(2)(b). Within seconds he and PO Blum got out of their vehicle and ran down the street towards them. When they met PO Calabrese and PO Villacis, § 87(2)(b) and § 87(2)(b) were already being detained, and one of them was on the ground on his front. PO Bautista did not see PO Villacis point his weapon at either § 87(2)(b) or § 87(2)(b) nor did he hear PO Villacis threaten either of them with any use of force.

PO Blum's testimony was consistent with that of PO Bautista [BR 16]. He and PO Bautista were conducting a community visit at 35th Street and Brooklyn Road when PO Blum looked in the rearview mirror and saw PO Calabrese and PO Villacis chasing § 87(2)(b) and § 87(2)(b) approximately 30 feet away. He alerted PO Bautista, and they immediately exited their vehicle and ran in the direction of the chase, meeting reaching the other officers within seconds. Upon seeing PO Blum and PO Bautista, § 87(2)(b) got onto the ground on his own and placed his arms behind his back while § 87(2)(b) was grabbed by another officer. PO Blum did not see PO Villacis point his weapon at either § 87(2)(b) or § 87(2)(b) nor did he hear PO Villacis threaten either of them with any use of force.

The investigator attempted to determine whether there was NYPD TARU video footage, but found that the closest TARU camera was two blocks away from the incident location.

Contact could not be established with the cyclist who alleged the attempted robbery, as the NYPD criminal complaint report associated with this incident did not contain his name or contact information [NYPD 02]. No contact information for the cyclist was available in § 87(2)(b)'s arrest report or in PO Calabrese and PO Villacis' memo book entries [NYPD 03, 06, 07]. § 87(2)(b) and § 87(2)(b) do not have charges pending regarding the incident. A Declined Prosecution letter was obtained from the Brooklyn District Attorney's Office, which stated that § 87(2)(b) would not be prosecuted due to insufficient evidence to prosecute due to the civilian witness' identity being unknown [BR 08].

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Civilian and Officer CCRB Histories

- § 87(2)(b) [REDACTED]
[REDACTED]
- § 87(2)(b) [REDACTED]
[REDACTED]
- This is the first CCRB complaint to which § 87(2)(b) [REDACTED] has been a party.
- PO Christian Villacis has been a member of service for seven years and has been a subject in seven CCRB complaints and 15 allegations, none of which were substantiated. § 87(2)(g) [REDACTED]
[REDACTED]

Mediation, Civil and Criminal Histories

- This complaint was not suitable for mediation.
- As of March 19, 2018, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regards to this complaint [BR 27].

§ 87(2)(b), § 87(2)(c) [REDACTED]
[REDACTED]

2 [REDACTED]
[REDACTED]
[REDACTED]

§ [REDACTED]
[REDACTED]

Squad No.: 15

Investigator: _____
Signature Print Title & Name Date

Squad Leader: _____
Signature Print Title & Name Date

Reviewer: _____
Signature Print Title & Name Date